In the High Court of Uttaranchal, at

Nainital.

Civil Writ Petition No. 259 (M/B) of 2004

Jahid Khan S/o Haddan Khan
R/o Akhara Sohrab Khan,
Rampur, U.P. and 8 others .... Petitioners.

Versus

State of Uttaranchal through Chief Secretary
Uttaranchal Government Dehradun
and 4 others ...Respondents.

Sri S.K. Mandal, learned counsel for the petitioners.
Sri K.P. Upadhyaya, learned Standing Counsel for the State.

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

Dated: 28-6-2006

By means of this writ petition the petitioners have prayed for issue of a writ in the nature of mandamus directing the respondents not to charge the double tax and the buses may not be stopped on the basis of non-payment of additional taxes for the route fell within the territory of the State of Uttaranchal and be permitted to operate the buses without charge of double taxes.

2- According to the petitioners they ply their buses on the routes of State of U.P. as well as the State of Uttaranchal and they obtained the permits from R.T.O. Rampur U.P. before 09-11-2000 when the State of Uttaranchal came into existence and the State of U.P. is charging the tax for the whole route. It was alleged by the petitioners that the RTO Kathgodam is asking for

payment of additional tax and is not permitting the petitioners to run the buses on the route falling in State of Uttaranchal.

3- Short controversy involved in this writ petition is relating to the payment of road tax to State of Uttaranchal on the inter-state route by the petitioners. It is not in dispute that after enforcement of The Uttaranchal Motor Vehicles Taxation Reforms Act, 2003, the State of Uttaranchal is entitled to collect the road tax and the petitioners admit that they are regularly paying the tax to the State of Uttaranchal. So far as the payment of tax prior to the enforcement of this Act is concerned, the same has already been paid by the petitioners to the State of U.P. Now no controversy remains to be decided.

4- The petition is dismissed. No order as to costs.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

ISB